

BP-S717.055 Fifteen Minute Restraints Check Form (24-Hours) CDFRM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Inmate Name: <u>Cardona</u>	Reg. No.: <u>40864-080</u>	Inst.: <u>USP Lewisburg</u>
24-Hour Period Beginning: <u>6/30/11</u>	Date: <u>6/30/11</u>	Time: <u>9:55 PM</u>
Ending: <u>7/1/2011</u>	Date: <u>7/1/2011</u>	Time: <u>4:00 AM</u>

Instructions:

- * Enter beginning and ending dates/times at top of form for each 24-hour period.
- * Staff must check the general welfare of the inmate every fifteen (15) minutes.
- * Use a separate form for every 24-hour period the inmate remains in restraints.
- * Write appropriate time of 15 minute check on time-line provided.

- * Describe inmate's behavior, including verbal and non-verbal comments. Use additional paper if needed. Do not simply write conclusions.
- * If needed, notify health / psychology services or supervisors for assistance.
- * Staff using this form must record their printed name and initials at the bottom of this form (reverse side) for later identification.

TIME	COMMENTS	INIT	TIME	COMMENTS	INIT
9:15 PM	IM sitting on bunk	ML	12:15	IM laying on Bunk	ML
9:30	IM sitting on bunk	ML	1:15	IM laying on Bunk	ML
9:45	IM sitting on bunk	ML	1:30	IM laying on Bunk	ML
10:00	IM sitting on bunk	ML	1:30	IM laying on Bunk	ML
10:15	IM laying down	ML	1:45	IM laying on Bunk	ML
10:30	IM laying on bunk	ML	2:00	IM laying on Bunk / Lt. CR.	ML
10:45	IM laying on bunk	ML	2:15	IM laying on Bunk	ML
11:00	IM laying on Bunk	ML	2:30	IM laying on Bunk	ML
11:15	IM laying on Bunk	ML	2:45	IM laying on Bunk	ML
11:30	IM laying on Bunk	ML	3:00	IM laying on Bunk	ML
11:45	IM laying on Bunk	ML	3:15	IM laying on Bunk	ML
12:00	IM laying on Bunk / Lt. CR.	ML	3:30	IM laying on Bunk	ML
12:15	IM sitting on Bunk	ML	3:45	IM laying on Bunk	ML
12:30	IM sitting on Bunk	ML	4:00	IM laying on Bunk	ML

PRINTED STAFF NAME	INIT
M. Rishel	ML

PRINTED STAFF NAME	INIT

BP-S717.055 Fifteen Minute Restraints Check Form (24-Hours) CDFRM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Inmate Name: <u>Cardona</u>		Reg. No.: <u>40869-080</u>		Inst.: <u>USP Lewisburg</u>	
24-Hour Period Beginning: <u>6/30/11</u>		Time: <u>220PM</u>		Ending: <u>6/30/11</u> <u>9:00PM</u>	
Instructions: * Enter beginning and ending dates/times at top of form for each 24-hour period. * Staff must check the general welfare of the inmate every fifteen (15) minutes. * Use a separate form for every 24-hour period the inmate remains in restraints. * Write appropriate time of 15 minute check on time-line provided.			* Describe inmate's behavior, including verbal and non-verbal comments. Use additional paper if needed. Do not simply write conclusions. * If needed, notify health / psychology services or supervisors for assistance. * Staff using this form must record their printed name and initials at the bottom of this form (reverse side) for later identification.		
TIME	COMMENTS	INIT	TIME	COMMENTS	INIT
220	IM placed in cell	DS	545	IM sitting	DS
230	IM on bunk	DS	600	IM sitting on bunk	DS
245	IM on bunk	DS	615	IM sitting on bunk	DS
300	IM sitting on bunk	DS	630	IM sitting on bunk	DS
315	IM sitting on bunk	DS	645	IM sitting on bunk	DS
330	IM sitting on bunk	DS	700	IM sitting on bunk	DS
345	IM sitting on bunk	DS	715	IM sitting on bunk	DS
400	IM sitting on bunk	DS	730	IM sitting	DS
415	IM lying on bunk	DS	745	IM lying down	DS
430	IM on bunk	DS	800	IM sitting	DS
445	IM eating	DS	815	IM sitting	DS
500	IM on bunk	DS	830	IM standing at door	DS
515	IM sitting	DS	845	IM standing at door	DS
530	IM sitting	DS	900	IM standing	DS

PRINTED STAFF NAME	INIT
DS	DS
R. P. Bell / P. S. Bell	DS
M. Hallman	DS

PRINTED STAFF NAME	INIT

#2180781

BP-A0288

JUN 10

INCIDENT REPORT CDFRM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Part I - Incident Report

1. Institution: USP Lewisburg			
2. Inmate's Name Cardona, Jose	3. Register Number 40869-080	4. Date of Incident 06/30/2011	5. Time 12:15 pm
6. Place of Incident J. 319	7. Assignment Unassigned	8. Unit SMU J-Block	
9. Incident Threatening		10. Prohibited Act Code(s) 203	
11. Description Of Incident (Date: <u>06/30/2011</u> Time: <u>12:15 pm</u> Staff became aware of incident) When I tried to cuff inmate Cardona, he stated "that if you put him in here I will fuck him up." I then ordered him to cuff up again and inmate stated, "I will fuck him up and the team, I'm done talking."			
12. Typed Name/Signature of Reporting Employee C.O. Donald Johnson <i>C.O. Johnson</i>		13. Date And Time 7/1/2011 9:08 am	
14. Incident Report Delivered to Above Inmate By (Type Name/Signature) <i>Donald</i>	15. Date Incident Report Delivered <i>7/1/11</i>	16. Time Incident Report Delivered <i>9:15 am</i>	

Part II - Committee Action

17. Comments of Inmate to Committee Regarding Above Incident

18. A. It is the finding of the committee that you:
- ☒ Committed the Prohibited Act as charged.
- ☐ Did not Commit a Prohibited Act.
- ☐ Committed Prohibited Act Code(s) _____
- B. ☐ The Committee is referring the Charge(s) to the DHO for further Hearing.
- C. ☐ The Committee advised the inmate of its finding and of the right to file an appeal within 20 calendar days.

19. Committee Decision is Based on Specific Evidence as Follows:

20. Committee action and/or recommendation if referred to DHO (Contingent upon DHO finding inmate committed prohibited act)

21. Date And Time Of Action _____ (The UDC Chairman's signature certifies who sat on the UDC and that the completed report accurately reflects the UDC proceedings.)

Chairman (Typed Name/Signature)

Member (Typed Name)

Member (Typed Name)

INSTRUCTIONS: All items outside heavy rule are for staff use only. Begin entries with the number 1 and work up. Entries not completed will be voided by staff.

DISTRIBUTE: ORIGINAL-Central File record; COPY-1-DHO; COPY-2-Inmate After UDC Action; COPY-3-Inmate within 24 hours of Part I Preparation.

PDF

Prescribed by P5270

Replaces BP-A0288-02-5270-0524 of MAY 94

**Bureau of Prisons
Health Services
Clinical Encounter**

Inmate Name: CARDONA, JOSE CRISTOBA	Sex: M	Race: WHITE	Reg #: 40869-080
Date of Birth: 05/09/1967	Provider: George, Gregory EMT-P	Facility: LEW	Unit: D01
Encounter Date: 06/30/2011 14:02			

Injury Assessment-Not Work Related encounter performed at Special Housing Unit.

SUBJECTIVE:

INJURY 1 **Provider:** George, Gregory EMT-P

Date of Injury: 06/30/2011 14:02 **Date Reported for Treatment:** 06/30/2011 16:57

Work Related: No **Work Assignment:** UNASSG

Pain Location:

Pain Scale: 0

Pain Qualities:

Where Did Injury Happen (Be specific as to location):

J Block

Cause of Injury (Inmate's Statement of how injury occurred):

None stated

Symptoms (as reported by inmate):

None offered

OBJECTIVE:

Pulse:

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Location</u>	<u>Rhythm</u>	<u>Provider</u>
06/30/2011	14:02	LEW	Radial	Regular	George, Gregory EMT-P

Respirations:

<u>Date</u>	<u>Time</u>	<u>Rate Per Minute</u>	<u>Provider</u>
06/30/2011	14:02	LEW	18 George, Gregory EMT-P

Exam:

General

Appearance/Nutrition

Yes: Appears Well, NAD, WD/WN, Alert and Oriented x 3

Pulmonary

Observation/Inspection

Yes: Normal

Cardiovascular

Observation

Yes: Normal Rate, Regular Rhythm

Peripheral Vascular

Arms

Yes: Radial Pulse Normal, Capillary Refill Normal

Legs

Yes: Dorsalis Pedis Normal, Capillary Refill Normal

ASSESSMENT:

No Significant Findings/No Apparent Distress

Restraint check preformed, no complaints offered 0/10 pain, strong pulses bilateral. Cap refill less then 2 seconds.

Normal movement of fingers and toes.

Inmate Name: CARDONA, JOSE CRISTOBA

Reg #: 40869-080

Date of Birth: 05/09/1967

Sex: M Race: WHITE

Facility: LEW

Encounter Date: 06/30/2011 14:02

Provider: George, Gregory EMT-P

Unit: D01

Injury assessment, Small abrasion to the bridge of the nose bleeding stopped, secondary survey unremarkable for any other injuries. 0/10 pain, GCS=15.

PLAN:**Disposition:**

Follow-up at Sick Call as Needed

Other:

Wound care and education will be provided at restraint check

Patient Education Topics:Date Initiated FormatHandout/TopicProviderOutcome

06/30/2011 Not Done

George, Gregory

No Participation

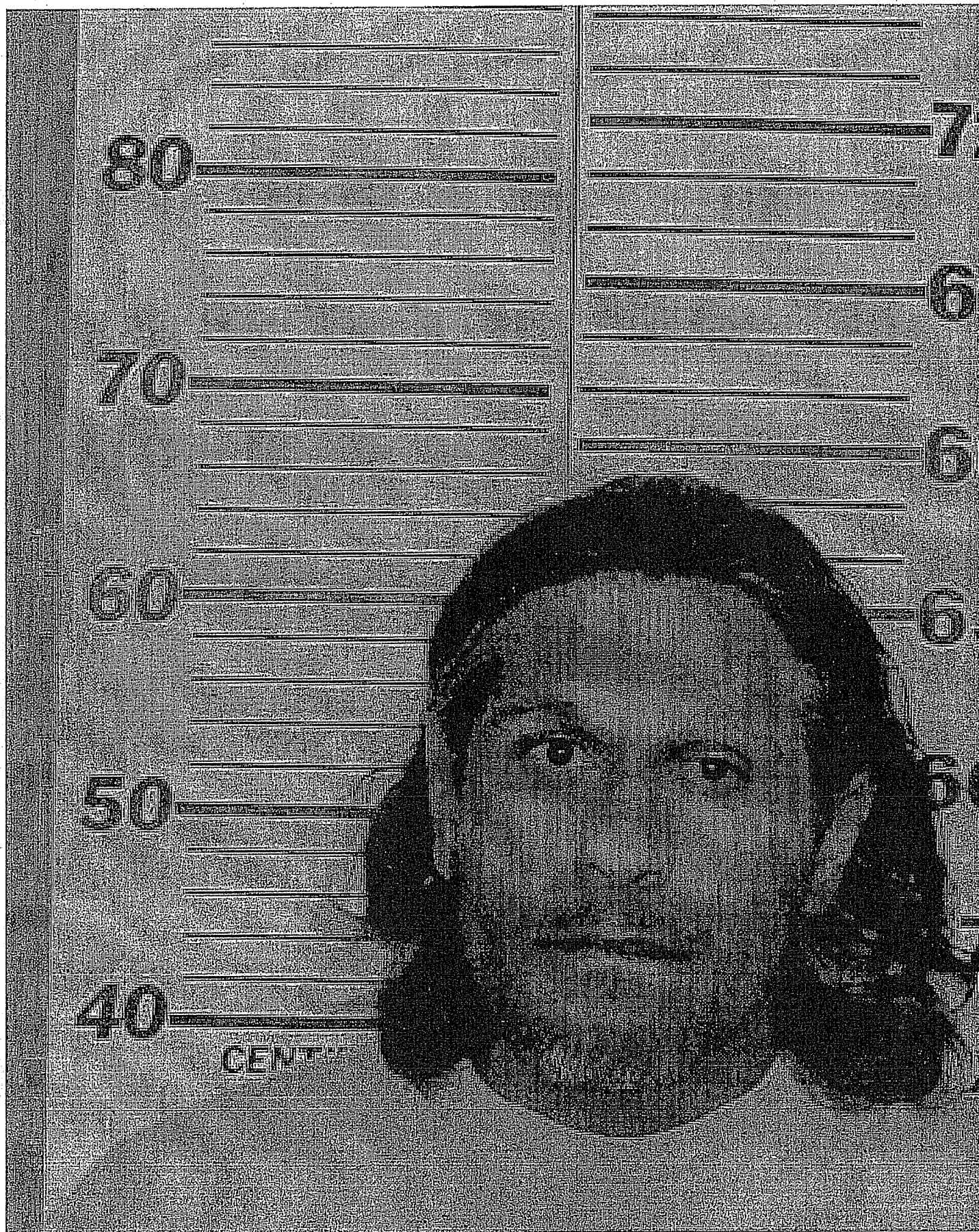
Copay Required: No**Cosign Required:** Yes**Telephone/Verbal Order:** No

Completed by George, Gregory EMT-P on 06/30/2011 17:04

Requested to be cosigned by Pigos, Kevin MD/Clinical Director

Cosign documentation will be displayed on the following page

In Progress





U. S. Department of Justice

Federal Bureau of Prisons

United States Penitentiary

Lewisburg, PA 17837

June 30, 2011

MEMORANDUM To: File

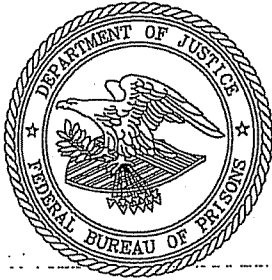
FROM:

R. Miller
R. Miller, Lieutenant
USP Lewisburg

SUBJECT:

Cardona, Jose #40869-080

On June 30, 2011, at approximately 12:15 p.m., inmate Cardona #40869-080 became disruptive in cell #319 in J-Block. Specifically, the inmate refused to submit to hand restraints and accept a cellmate. The inmate displayed signs of imminent violence by stating he would harm any staff that came near the cell. Due to inmate's refusal of staff orders as well as his display of imminent violence, the Warden was notified and authorized a Use of Force Team to be assembled to place the inmate in ambulatory restraints. At approximately 2:02 p.m., a Use of Force Team was assembled and confrontation avoidance procedures were initiated with positive results. The inmate submitted to hand restraints and was removed from cell #319 at which time he refused to walk on his own, so the Use Of Force team carried him to the J-block third floor shower area where Cardona resisted the Team and was placed on the floor area to regain control. The inmate was visually searched, metal detected and placed in ambulatory restraints at approximately 2:22p.m. and was escorted to cell #101 in D-Block without further incident. The inmate sustained minor injuries. No staff injuries were reported.



U.S. GOVERNMENT

MEMORANDUM

FEDERAL BUREAU OF PRISONS
UNITED STATES PENITENTIARY
LEWISBURG, PA.

DATE: 6-30-2011

FROM: E. Good S.O.S.

SUBJECT: Calculated use of force, inmate Cardona #40869-080

TO: File

On the above date at approximately 2:02 pm, this officer was assigned as the number one team member on a calculated use of force team involving inmate Cardona #40869-080. My duties were to pin the disruptive inmate to the wall or floor and to control the head.

During the use of force this officer secured the head of the first disruptive inmate. During the application of ambulatory restraints, inmate Cardona became disruptive and attempted to turn to his left, and release himself from our control. The inmate was placed onto the floor in order to gain compliance. When inmate Cardona became compliant, ambulatory restraints were applied. Inmate Cardona refused to walk under his own control, and was carried via litter to D-101 without further incident.



U.S. GOVERNMENT

MEMORANDUM

FEDERAL BUREAU OF PRISONS
UNITED STATES PENITENTIARY
LEWISBURG, PA.

DATE: 6-30-2011

FROM: K. Whittaker S.O.S. 

SUBJECT: Calculated use of force, inmate Cardona #40869-080

TO: File

On the above date at approximately 2:02 pm, this officer was assigned as the number two team member on a calculated use of force team involving inmates Cardona #40869-080. My duties were to secure the upper right appendage of the disruptive inmate. During the use of force this officer secured the upper right appendage of the disruptive inmate. During the application of ambulatory restraints, inmate Cardona became disruptive and attempted to turn to his left, and release himself from our control. The inmate was placed onto the floor in order to gain compliance. When inmate Cardona became compliant, ambulatory restraints were applied. Inmate Cardona refused to walk under his own control, and was carried via litter to D-101 without further incident.



UNITED STATES GOVERNMENT MEMORANDUM

FEDERAL BUREAU OF PRISONS
UNITED STATES PENITENTIARY
LEWISBURG, PA.

DATE: 06-30-2011

TO: FILE

FROM: S. PRUTZMAN /S.O.S. *SP*

SUBJECT: USE OF FORCE -CARDONA #40869-080

On 06-30-2011 at approximately 2:02 pm, I participated in a calculated use of force on inmate Cardona #40869-080. I was the number three team member. My responsibilities were to maintain control of the upper left appendage of inmate Cardona. I was also responsible for carrying and applying hand restraints. Inmate Cardona was removed from cell #319 on the third floor of J-Block. Inmate Cardona was being escorted to the shower on the third floor of J-block, where he dropped to the floor and refused to walk. Inmate Cardona was picked up and carried to the shower by the team. Once in the shower, Inmate Cardona became resistant. Specifically, during the application of restraints, Inmate Cardona tried to spin towards his left side and break free of staff control. Inmate Cardona was placed on the floor with the least amount of force necessary. Once control was regained, Inmate Cardona was placed in paper clothing, placed in ambulatory restraints and medically assessed. He was then escorted to cell #101 on the first floor of D-block by ways of the Reeve's Litter. This was performed because Inmate Cardona refused to walk on his own. I sustained no injuries during the move.



UNITED STATES GOVERNMENT MEMORANDUM

FEDERAL BUREAU OF PRISONS
UNITED STATES PENITENTIARY
LEWISBURG, PA.

DATE: 06-30-2011

TO: FILE

FROM: G. WISE /S.O.S.

SUBJECT: *June 30*
USE OF FORCE - CARDONA #40869-080

On 06-30-2011 at approximately 2:02 pm, I participated in a calculated use of force on inmate Cardona #40869-080. I was the number four team member. My responsibilities were to maintain control of the lower right appendage of inmate Cardona. Inmate Cardona was removed from cell #319 on the third floor of J-Block. Inmate Cardona was being escorted to the shower on the third floor of J-block; where he dropped to the floor and refused to walk. Inmate Cardona was picked up and carried to the shower by the team. Once in the shower, Inmate Cardona became resistant. Specifically, during the application of restraints, Inmate Cardona tried to spin towards his left side and break free of staff control. Inmate Cardona was placed on the floor with the least amount of force necessary. Once control was regained, Inmate Cardona was placed in paper clothing, placed in ambulatory restraints and medically assessed. He was then escorted to cell #101 on the first floor of D-block by ways of the Reeve's Litter. This was performed because Inmate Cardona refused to walk on his own. I sustained no injuries during the move. *GC*



U.S. GOVERNMENT

MEMORANDUM

FEDERAL BUREAU OF PRISONS
UNITED STATES PENITENTIARY
LEWISBURG, PA.

DATE: 6-30-2011

FROM: J. Malakoski S.O. *J. Malakoski*

SUBJECT: Calculated use of force, inmate Cardona #40869-080

TO: File

On the above date at approximately 2:02 pm, this officer was assigned as the number five team member on a calculated use of force team involving inmates Cardona #40869-080. My duties were to secure the lower left appendage of the disruptive inmate, and to carry and apply leg restraints.

During the use of force this officer secured the lower left appendage of the disruptive inmate. During the application of ambulatory restraints, inmate Cardona became disruptive and attempted to turn to his left, and release himself from our control. The inmate was placed onto the floor in order to gain compliance. When inmate Cardona became compliant, ambulatory restraints were applied. Inmate Cardona refused to walk under his own control, and was carried via litter to D-101 without further incident.



UNITED STATES GOVERNMENT

MEMORANDUM

~~United States Penitentiary~~
Lewisburg, Pennsylvania 17837

June 30, 2011

MEMORANDUM FOR: FILE

From: Scott R Kemmerer, Treatment Specialist
Psychology Department

Subject: CARDONA, Jose #40869-080

On the above date at approximately 2:00pm I was requested to perform Confrontation Avoidance for the Use of Force Team in J Block on in the third floor at cell 319. The cell was occupied by one inmate, Inmate CARDONA. Inmate CARDONA had become disruptive earlier in the day by refusing to allow staff to place another inmate in his cell. CARDONA threatened to assault any inmate that he was placed with in a cell.

When I arrived at the cell, CARDONA was standing at the cell door. I introduced myself and advised CARDONA that he needed to comply with being restrained and removed from the cell. CARDONA replied that he would comply. At this time I turned the situation over to Lt. J. Miller and the Use of Force Team.

BP-A0288

JUN 10

INCIDENT REPORT CDFRM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Part I - Incident Report

2180381

1. Institution: USP Lewisburg

2. Inmate's Name

Cardona, Jose

3. Register Number

40869-080

4. Date of Incident

06/30/2011

5. Time

12:15 pm

6. Place of Incident

J. 319

7. Assignment

Unassigned

8. Unit

SMU J-Block

9. Incident

Refusing Programs, Refusing an Order

10. Prohibited Act Code(s)

306, 307

11. Description Of Incident (Date: 06/30/2011 Time: 12:15 pm Staff became aware of incident)

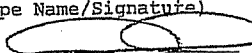
I, Officer Johnson D., was helping escort I/M Herrera #10145-280, to cell 319. I told I/M Cardona to cuff up and he said, "I'm not going to cuff up, and I'm not talking about it." I then ordered I/M Cardona to cuff again and he still refused.

12. Typed Name/Signature of Reporting Employee

C.O. Donald Johnson

13. Date And Time

6/30/2011 1:14 pm

14. Incident Report Delivered to Above Inmate By
(Type Name/Signature)
 / Dowling
15. Date Incident
Report Delivered

6/30/2011

16. Time Incident
Report Delivered

1:35

Part II - Committee Action

17. Comments of Inmate to Committee Regarding Above Incident

18. A. It is the finding of the committee that you:

- ☐ Committed the Prohibited Act as charged.
☐ Did not Commit a Prohibited Act.
☐ Committed Prohibited Act Code(s) _____

B.

The Committee is referring the Charge(s) to the DRO for further Hearing.

C.

The Committee advised the inmate of its finding and of the right to file an appeal within 20 calendar days.

19. Committee Decision is Based on Specific Evidence as Follows:

20. Committee action and/or recommendation if referred to DRO (Contingent upon DRO finding inmate committed prohibited act)

21. Date And Time Of Action _____ (The UDC Chairman's signature certifies who sat on the UDC and that the completed report accurately reflects the UDC proceedings.)

Chairman (Typed Name/Signature)

Member (Typed Name)

Member (Typed Name)

INSTRUCTIONS: All items outside heavy rule are for staff use only. Begin entries with the number 1 and work up. Entries not completed will be voided by staff.
DISTRIBUTE: ORIGINAL-Central File record; COPY-1- DHO; COPY-2- Inmate After UDC Action; COPY-3- Inmate within 24 hours of Part I Preparation.

PDF

Prescribed by P5270

Replaces BP-A0288-02-02-0524 of MAY 94

12

SMU Property List

USP LEWISBURG SPECIAL MANAGEMENT UNIT- APPROVED PROPERTY LIST

(Personal property ordinarily allowed in the SMU, if not otherwise a threat to institution security)

1. One (1) Bible, Koran or other scriptures
2. Three (3) Books, Paperback
3. Two (2) Coffee
4. One pair of eyeglasses
5. Legal materials, one cubic foot
6. Five (5) magazines, not more than 3 weeks old
7. Ten (10) letters
8. Five (5) newspapers, not more than 3 days old
9. Personal hygiene items (* except razors)
10. Six (6) photos
11. Authorized religious medals
12. Shower shoes, one pair
13. Stationary/stamps
14. One wedding band

Personal property may be limited or withheld for reasons of security, fire safety, or housekeeping, documented in unit records.

*Razors shall be controlled by SMU staff. Only disposable razors will be used.

#13

ELECTRONIC LAW LIBRARY (ELL)

Federal Bureau of Prisons – Electronic Law Library (ELL) Content

United States Department of Justice Federal Bureau of Prisons Program Statements

United States Code Service

United States Sentencing Guidelines

United States Constitution

Federal Court Rules

District of Columbia Code

District of Columbia Court Rules Annotated

Code of Federal Regulations

Supreme Court Reports, Lawyers' Edition, Vols. 1-100

Supreme Court Reports, Lawyers' Edition, 2nd Series, Vols. 1 to 133

Supreme Court Reports, Lawyers' Edition, 2nd Series, Vols. 134 to Present

United States Supreme Court: Bench Opinions

Annotations from Lawyers' Edition, Second Series

Citator Service to Lawyers' Edition, Second Series

Table of Statutory Cites to Lawyers' Edition, Second Series

Quick Case Table for Lawyers' Edition, Second Series

Shepard's Federal Citations

Shepard's DC Citations

BNA Criminal Law Reporter

The Criminal Practice Institute Practice Manual

Bender's Federal Practice Forms

Criminal Defense Techniques

Constitutional Rights of Prisoners

Federal Habeas Corpus Practice and Procedure

The Law Dictionary

Spanish/English Legal Dictionary

Prisoners' Assistance Directory

Court Addresses

Criminal Law Deskbook

Immigration Law and Procedure: Desk Edition

Legal Research Guide: Patterns and Practice

Moore's Federal Practice – Criminal

Modern Federal Jury Instructions – Criminal

Understanding Criminal Procedure: Adjudication

Manual for Courts - Martial, 2008

Military Rules of Evidence Manual

Military Criminal Justice: Practice and Procedure Sixth Edition

Military Courts - Case Update

Decisions from the Military Courts

District of Columbia Judicial Decisions

U.S. Court of Appeals - Case Update

U.S. District Court - Case Update

Supreme Court Reports - Case Update

District of Columbia - Case Update

U.S. Court of Appeals - 1st Circuit

U.S. District Court - 1st Circuit

U.S. Court of Appeals - 2nd Circuit (1958 to Present)

U.S. Court of Appeals - 2nd Circuit (Prior to 1958)

U.S. District Court - 2nd Circuit (2002 to Present)

U.S. District Court - 2nd Circuit (1997 to 2001)

U.S. District Court - 2nd Circuit (1990 to 1996)

U.S. District Court - 2nd Circuit (1980 to 1989)

U.S. District Court - 2nd Circuit (Prior to 1980)

U.S. Court of Appeals - 3rd Circuit

U.S. District Court - 3rd Circuit (1998 to Present)

U.S. District Court - 3rd Circuit (1988 to 1997)

U.S. District Court - 3rd Circuit (Prior to 1988)

U.S. Court of Appeals - 4th Circuit (1995 to Present)

U.S. Court of Appeals - 4th Circuit (Prior to 1995)

U.S. District Court - 4th Circuit (1991 to Present)

U.S. District Court - 4th Circuit (Prior to 1991)

U.S. Court of Appeals - 5th and 11th Circuit (1990 to Present)

U.S. Court of Appeals - 5th and 11th Circuit (1975 to 1989)

U.S. Court of Appeals - 5th and 11th Circuit (Prior to 1975)

U.S. District Court - 5th Circuit (1998 to Present)

U.S. District Court - 5th Circuit (Prior to 1998)

U.S. Court of Appeals - 6th Circuit (1995 to Present)

U.S. Court of Appeals - 6th Circuit (Prior to 1995)

U.S. District Court - 6th Circuit (1990 to Present)

U.S. District Court - 6th Circuit (Prior to 1990)

U.S. Court of Appeals - 7th Circuit (1993 to Present)

U.S. Court of Appeals - 7th Circuit (Prior to 1993)

U.S. District Court - 7th Circuit (2000 to Present)

U.S. District Court - 7th Circuit (1992 to 1999)

U.S. District Court - 7th Circuit (Prior to 1992)

U.S. Court of Appeals - 8th Circuit (1995 to Present)

U.S. Court of Appeals - 8th Circuit (Prior to 1995)

U.S. District Court - 8th Circuit (1996 to Present)

U.S. District Court - 8th Circuit (Prior to 1996)

U.S. Court of Appeals - 9th Circuit (1995 to Present)

U.S. Court of Appeals - 9th Circuit (Prior to 1995)

U.S. District Court - 9th Circuit (1994 to Present)

U.S. District Court - 9th Circuit (Prior to 1994)

U.S. Court of Appeals - 10th Circuit

U.S. District Court - 10th Circuit (1994 - Present)

U.S. District Court - 10th Circuit (Prior to 1994)

U.S. District Court - 11th Circuit (1991 to Present)

U.S. District Court - 11th Circuit (Prior to 1991)

U.S. Court of Appeals - Federal Circuit

U.S. Court of Appeals - DC Circuit

U.S. District Court - District of Columbia

Matthew Bender Master Agreement

EXHIBIT

2

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

Jose Cardona,
Plaintiff

v.

Warden B.A. Bledsoe, etal
Defendants

Civil No. 3:CV-11-0054

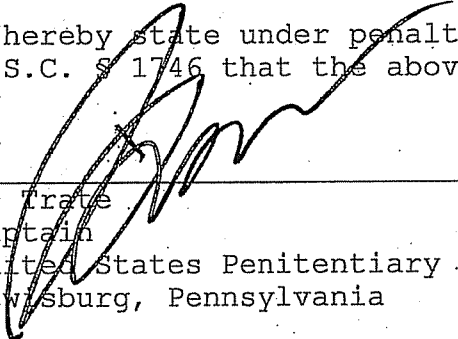
DECLARATION OF B. TRATE

I, Brad Trate, hereby state:

- 1) I am presently employed by the Federal Bureau of Prisons as the Captain at the United States Penitentiary (USP) at Lewisburg, Pennsylvania. I understand I have been named as a defendant in the above referenced civil action filed by federal inmate Jose Cardona, Reg. No. 40869-080, in which he complains about his designation to the Special Management (SMU) Program at USP Lewisburg, as well as several conditions of confinement associated with the SMU.
- 2) Inmate Cardona alleges "actions of B. Trate in subjecting plaintiff to unlawful visual searches for the purpose of harassment violates the Eighth Amendment to the U.S. Constitution."
- 3) Inmate Cardona provides no detail either as to when or where these allegedly unlawful searches occurred or why he concludes they are "harassment."
- 4) Bureau of Prisons Program Statement 5521.05, Searches of Housing Units, Inmates and Inmate Work Areas, provides that "visual searches" are visual inspections of all body surfaces and body cavities." P.S. 5521.05 further provides that "staff may conduct a visual search where there is reasonable belief that contraband may be concealed on a person, or a good opportunity for concealment has occurred.
- 5) In the context of the SMU program, where the majority of inmates have extensive disciplinary histories, many including the possession of weapons, drugs or other contraband, thorough inmate accountability, including visual searches are particularly important. Inmate Cardona admits in his complaint that he had possessed heroin in other Bureau of Prisons' facilities.

- 6) A record of visual searches is maintained in a log book. A review of visual search records indicates the plaintiff was visually searched on May 4, 2011, and May 9, 2011. Accurate copies of these entries and copies of the covers from the visual search log reviewed are attached.
- 7) In my position as Captain, I rarely personally conducts visual searches of inmates, and I did not personally conducted a visual search of inmate Cardona on the dates above.

I hereby state under penalty of perjury pursuant to the provisions of 28 U.S.C. § 1746 that the above is accurate to the best of my knowledge.



B. Trate
Captain
United States Penitentiary
Lewisburg, Pennsylvania

10-27-11
Date

VISUAL LOG

RECORD

Opened: 6/1/09

Closed: 10/29/10

7530-100-222-3525

FEDERAL SUPPLY SERVICE

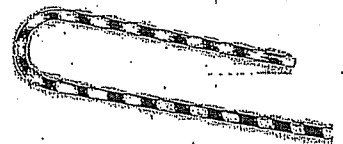
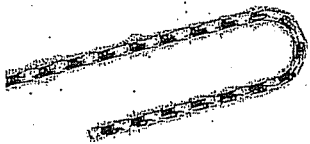
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Visual Search Log

RECORD

Started: 11/30/10

Ended :



CAKOWA

90869-080

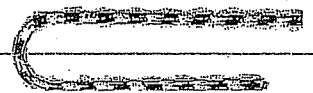
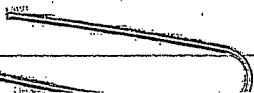
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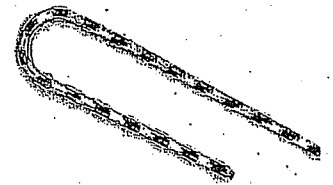
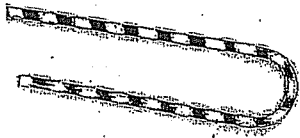
1157

RAW

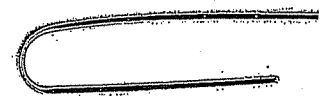
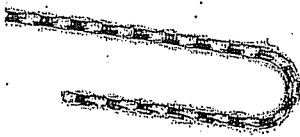
NFG

Cambridge





CARDONA	48690-080	5/9/11	930 AM	RANDOM	NBB	GOOD
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VISUAL LOG

RECORD

OPENED: 6/1/09

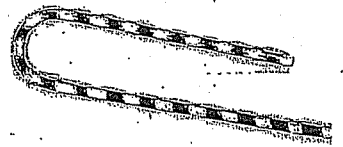
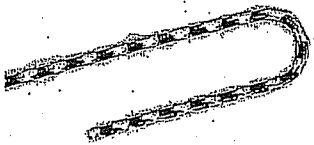
CLOSED: 10/29/10

Visual Search Log

RECORD

Started: 11/30/10

Ended :



CAKOWA

40869-080

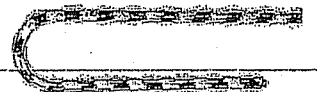
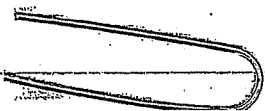
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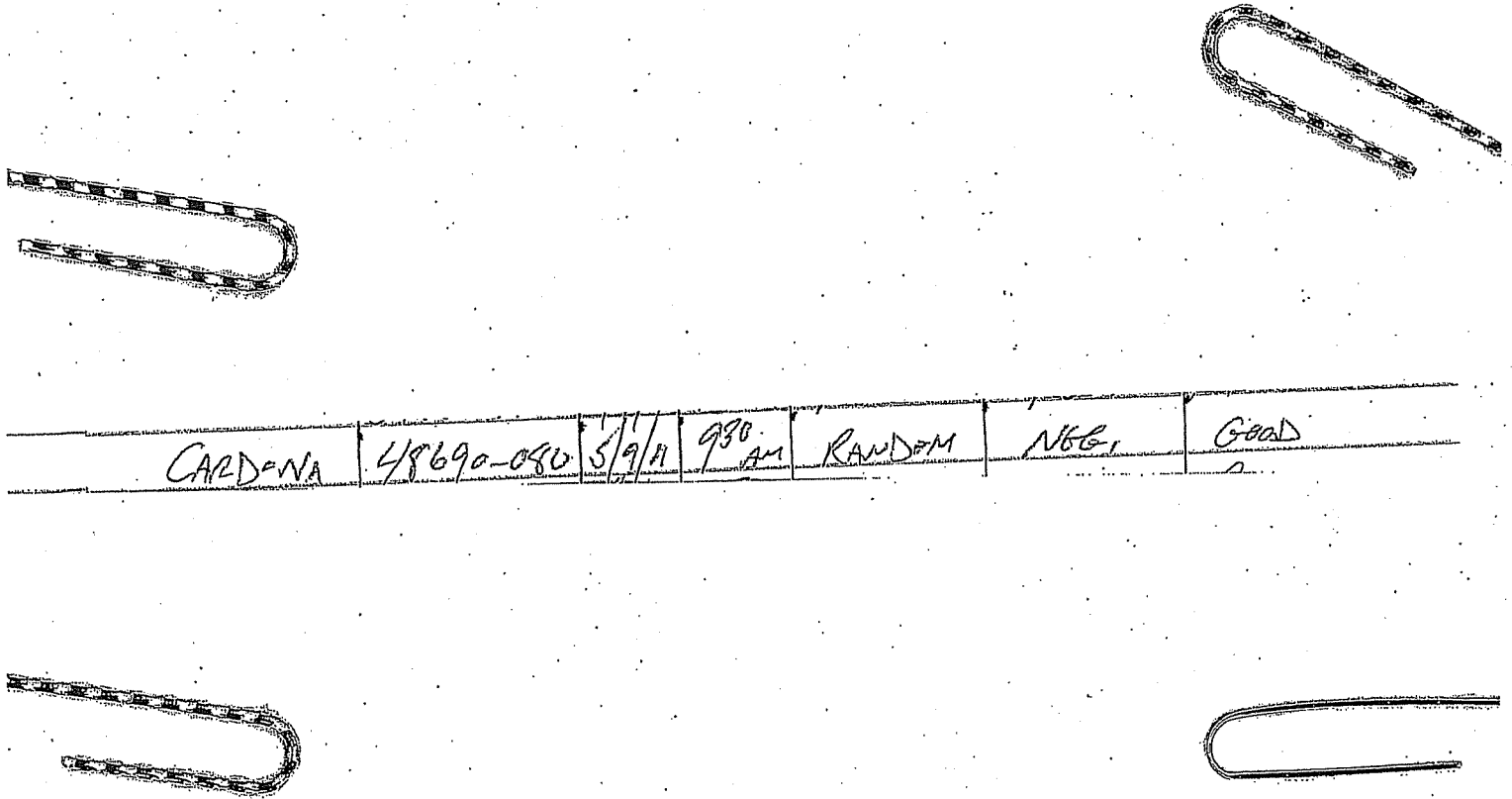
1157

RAW

NFG

Cambridge





CARDENA	48690-080	5/9/11	930 AM	RANDOM	NBB,	Good
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NAME	#	DATE	TIME	REASON	RESULTS	STAFF
ROMERO	86172-179	5/9/11	9 ⁰⁰ AM	RANDOM	NEG.	GOOD
SALEM	08232-089	5/9/11	9 ⁰² AM	RANDOM	NEG.	PROTZMAN
LONGY	09304-091	5/9/11	9 ⁰⁴ AM	RANDOM	NEG.	HAMILTON
MASSAMBUR	23774-076	5/9/11	9 ⁰⁶ AM	RANDOM	NEG.	GEMBERLING
WEBER	08320-038	5/9/11	9 ⁰⁸ AM	RANDOM	NEG.	SHERIFF
MCCREARY	20958-058	5/9/11	9 ¹⁰ AM	RANDOM	NEG.	GOOD
RODRIGUEZ	30001-079	5/9/11	9 ¹² AM	RANDOM	NEG.	PROTZMAN
BRYMER	24922-038	5/9/11	9 ¹⁴ AM	RANDOM	NEG.	HAMILTON
SWENA	11009-081	5/9/11	9 ¹⁶ AM	RANDOM	NEG.	GEMBERLING
JORDAN	05792-081	5/9/11	9 ¹⁸ AM	RANDOM	NEG.	SHERIFF
BOSSE	18100-047	5/9/11	9 ²⁰ AM	RANDOM	NEG.	GOOD
JGFFS	26503-050	5/9/11	9 ²² AM	RANDOM	NEG.	PROTZMAN
JOHNSON	19138-057	5/9/11	9 ²⁴ AM	RANDOM	NEG.	HAMILTON
MUSAHD	09524-007	5/9/11	9 ²⁶ AM	RANDOM	NEG.	GEMBERLING
OLIVO	34880-177	5/9/11	9 ²⁸ AM	RANDOM	NEG.	SHERIFF
CARDENA	48690-080	5/9/11	9 ³⁰ AM	RANDOM	NEG.	GOOD
DIAZ	36673-177	5/9/11	9 ³² AM	RANDOM	NEG.	PROTZMAN
RODRIGUEZ	05790-030	5/9/11	9 ³⁴ AM	RANDOM	NEG.	HAMILTON
VELANZUELA	94447-198	5/9/11	9 ³⁶ AM	RANDOM	NEG.	GEMBERLING
DISCH	03398-424	5/9/11	9 ³⁸ AM	RANDOM	NEG.	SHERIFF
BURNSICK	04948-070	5/9/11	9 ⁴⁰ AM	RANDOM	NEG.	GOOD
Hunt	09407-007	5/10/11	4 ⁵⁰ P	Random	NEG	Spide
CHUNN	16312-179	5-10	10 ⁰⁰ AM	RANDOM	NEG	Good
REYNOS	36766-177	5-10	10 AM	RANDOM	NEG	HAMILTON
AVERITT	07866-033	5-10	10 AM	RANDOM	NEG	PROTZMAN
PALLAS	23846-001	5-10	10 AM	RANDOM	NEG	GEMBERLING
PERLM	07522-091	5-10	10 AM	RANDOM	NEG	SHERIFF
MULLIKIN	10469-032	5-10	10 AM	RANDOM	NEG	GRIFFIN

Grimes	29875-044	5-3-11	846	Random	Negative	Diltz
Ochoa	53983-019	5-3	847	Random	Neg	Good
Boyd	22811-112	5-3	847	Random	Neg.	Good
Newberry	17968-047	5-3	848	Random	Neg.	Hamilton
Rogers	09245-035	5-3	849	Random	Neg	Proctor
Council	56193-004	5-3	850	Random	Negative	Diltz
Mena	14294-052	5-3	850	Random	Negative	Hamilton
Wright	30372-018	5-3-11	851	Random	Neg	Proctor
Dooker	30619-086	5-3-11	851	Random	Neg	Good
Borden Field	15761-096	5-3-11	851	Random	Negative	Good
Arechunga	12165-055	5-3-11	744	Random	5 1/2" plastic tank	Diltz
Indian	83397-008	5-3-11	744	Random	Negative	Good
Miller	65855-208	5-3-11	744	Random	Neg	Good
Jarano	13351-051	5-3-11	743	Random	Neg.	Hamilton
Laramilla	32131-013	5-3-11	743	Random	Neg	Proctor
Scott	52377-066	5-3-11	745	Random	Neg	Good
Harrison	39807-060	5-3-11	745	Random	Negative	Diltz
McCleary	20955-059	5-4	941	Random	Neg	Diltz
Salern	08232-089	5-4	944	Random	Neg	Good
Romero	86172-179	5-4	946	Random	Neg	Hamilton
BATE	07879-081	5-4	1150	Random	NEG	Good
Miller	88199-008	5-4	1152	Random	Neg	Hamilton
Regoza	12044-085	5-4	1153	Random	Neg	Diltz
CARDONA	40869-080	5-4	1154	Random	NEG	Good
Diaz	12578-069	5-4	1156	Random	Neg	Good
Green	06330-090	5-4	1158	Random	NEG	Hamilton
Lebert	34360-183	5-4	1200	Random	NEG	Good
CARZA	91462-079	5-4	1203	Random	Neg	Diltz

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSE CARDONA,	:	CIVIL NO. 3:CV-11-0054
Plaintiff,	:	
	:	
v.	:	Munley, J.
	:	
B.A. BLEDSOE, et al.,	:	
Defendants.	:	Filed Electronically

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on November 21, 2011, she served a copy of the attached

**EXHIBITS TO DEFENDANTS' BRIEF IN SUPPORT OF MOTION
TO DISMISS AND FOR SUMMARY JUDGMENT**

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Jose C. Cardona
Reg. No. 40869-080
USP Lewisburg
P.O. Box 1000
Lewisburg, PA 17837

/s/ Dawn L. Mayko
Dawn L. Mayko
Paralegal Specialist